

## REMARKS

Reconsideration of the present application is respectfully requested.

Claims 1-4 and 6-12 stand rejected under 35 USC §102(b) over Nishimura.

Applicants respectfully disagree since claim 1 requires an orifice member that is moveable between a first position and a second position. The Office Action identifies item 23 of Nishimura as corresponding to Applicants' claimed orifice member, but Nishimura makes it clear that column 6, lines 49-53 that component 23 is not moveable. Therefore, Applicants respectfully assert that there is no fair interpretation of Applicants' claim language that can be read onto the Nishimura disclosure in a way that would support a §102(b) rejection. Therefore, Applicants respectfully request that all of the outstanding rejections based upon Nishimura be withdrawn.

Claims 15-20 stand rejected under 35 USC §102(b) over Ganser. Applicants respectfully disagree since the flow area to Ganser's needle control chamber always has a fixed flow area. While it is true that Ganser shows opening and closing a drain orifice from the needle control chamber, fluid never flows toward the closing hydraulic surface of the needle through that passage. Nevertheless, Applicants have amended claim 15 to better prevent Applicants' claims from being misread onto anything fairly taught by Ganser. In particular, claim 15 requires that fluid flowing toward the closing hydraulic surface of the needle valve member pass through an unrestricted passage that includes the restricted flow passage and at least one other flow passage defined at least in part by the orifice member. There should be no dispute that this claim language can not be properly read upon any method of operating the Ganser device. Therefore, Applicants respectfully request that the outstanding §102(b) rejections based upon Ganser be withdrawn.

Claims 5, 13 and 14 stand objected to as being dependent upon a rejected base claim. Applicants appreciate the indication of allowable subject matter, but have opted

not to amend these claims into independent form since it is believed that the base claims are allowable over the art of record.

This application is now believed to be in condition for allowance of claims 1-20. However, if the Examiner believes that some minor additional clarification would put this application in even better condition for allowance, the Examiner is invited to contact the undersigned attorney at (812) 333-5355 in order to hasten the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MBMcNeil', written in a cursive, stylized script.

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